

REMARKS

Claims 1-8, 10, 12-15, 19-23, 27 and 28 are remain pending in the application. Reexamination and reconsideration of the claims, in view of the discussion below, are respectfully requested.

The examiner rejected claims 1-3, 7, 8, 10 and 12-14 under 35 U.S.C. 103(a) as being unpatentable over Lloyd (EP 0 104 039) in view of Wilson III (U.S. Patent No. 5,361,779). In addition, the examiner rejected claims 1, 3-6, 27 and 28 as being unpatentable over Kaysersberg (WO 94/22405) in view of Wilson III.

In the Response to Arguments in the present Office Action, the examiner indicates that “the claims do not require the pad be worn entirely outwardly of the vaginal orifice [...] and numeral 6 of Lloyd denotes an absorbent element which is at least in part worn outwardly of the orifice”.

However, note that numeral 6 in Lloyd designates a piston guide (see page 27, lines 13-14), not an absorbent pad as defined in the claims. The pad of the present invention fulfills the dual function of absorbing excess fluids and enabling the user to dispose of the soiled plug without contacting it. By contrast, Lloyd refers to “a tampon guide receiving the tampon” (see page 6, line 12) and the guide has the function of guiding the tampon into the vaginal orifice (see figures). In addition, Lloyd states that “the guide may like a conventional tampon applicator barrel be made of the same material as the piston, such as plastics or cardboard optionally plastics coated” (see page 21, third paragraph), i.e. non-absorbent materials. Thus, the Applicant respectfully traverses the examiner’s findings in this regard.

Next, the examiner requests that Applicant point out where it is disclosed in Wilson III that the sheath is elastic in a direction other than circumferential. Wilson III states that the sheath is “radially and circumferentially extensible”. Since the retention structure described in

Wilson III is knitted from staple and/or filament yarn, we believe there may be an implicit disclosure that such knitted structure should also expand in a longitudinal direction. In any case, there is no explicit disclosure that the structure is extensible only in the radial direction.

Moreover, as previously discussed, this document belongs to a different technical field (i.e. condoms for men versus sanitary products for women), and Applicant believes that the person of ordinary skill in the art would not have consulted Wilson III for any teachings in regard to the desirability of having expandability in only the circumferential direction. Even if the person of ordinary skill in the art had come across Wilson III, he would not reach the claimed invention in that neither document describes an absorbent pad joined to an absorbent plug.

Finally, the examiner states, with respect to Kaysersberg, that the term "joined" should not be construed as the joining of the plug and pad only by the sheath. We agree with this specific statement. However, Applicant submits that in Keysersberg, the sheath or installer 6, 66, 666 is joined to the pad 2, but not to the plug. For reference, numeral 3 designates an internal device which comprises a drain or wick 4 and means for retaining the drain on the inside of the vagina. Numeral 7 designates the pad comprising an impermeable film 9. In figure 2, installer 6 is joined to the impermeable film 9 of the pad 7. In figures 3 and 4, installer 66 is joined to the impermeable film 99. In figure 6, installer 6 is joined to the impermeable film 999. Thus, Applicant respectfully traverses the examiner's position with respect to Keysersberg.

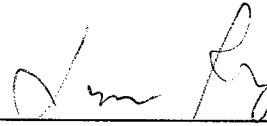
Therefore, Applicant requests allowance of all claims.

The examiner also provisionally rejected the claims on the ground of nonstatutory obviousness-type double patenting over claims 1-28 of Application No. 11/920481. Applicant respectfully submits that until such time that the Examiner finds allowable subject matter, a complete determination regarding the merits of this provisional double patenting rejection cannot be made. However, if the examiner holds that a disclaimer is required in the present case, Applicant will file the required disclaimer at that time.

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No payment is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



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